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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/702,175	10/30/2000	Jean-Francois Bertrand	27950-00392USPT	1631

7590 02/19/2004

ERICSSON CANADA INC LMC UP IPR SECTION

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CANADA

EXAMINER

SAM, PHIRIN

ART UNIT

PAPER NUMBER

2661

DATE MAILED: 02/19/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/702,175

Applicant(s)

BERTRAND ET AL.

Examiner

Phirin Sam

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 October 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,6-11,14-16 and 18-22 is/are rejected.
- 7) ☒ Claim(s) 2,4,5,12,13 and 17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1, 3, 6-11, 14-16, and 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Manning et al. (U.S. Patent 6,580,699) in view of Bhagwat et al. (U.S. Patent 6,651,105).

Manning et al. discloses the invention (**claims 1, 3, 6-11, 14-16, and 18-22**) as claimed including a method of executing a Point-to-Point protocol (PPP) session comprising the steps of:

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- (a) negotiating a PPP session for a mobile station on a first packet data service node (PDSN), the step of negotiating including the step of creating a PPP context relative to that mobile station (see Fig. 3, col. 3, lines 55-56, and col. 4, lines 52-54).
- (b) storing the PPP context for that mobile station (see Fig. 3, col. 3, lines 57-65).
- (c) handing over of the mobile station from the first PDSN to a second PDSN (see Fig. 10, col. 8, lines 10-42).

Manning et al. does not disclose retrieving the stored PPP context for use by the second PDSN and resuming the PPP session on the second PDSN using the retrieved PPP context. However, Bhagwat et al. discloses retrieving the stored PPP context for use by the second PDSN and resuming the PPP session (see Fig. 6, col. 10, lines 20-47). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine retrieving the stored PPP context and resuming the PPP session teaching by Bhagwat et al. with Manning et al. The motivation for doing so would have been to provide to switch from one PPP proxy to another PPP proxy without disrupting the end to end PPP connection. Therefore, it would have been obvious to combine Bhagwat et al. and Manning et al. to obtain the invention as specified in the claims 1, 3, 6-11, 14-16, and 18-22.

***Allowable Subject Matter***

4. Claims 2, 4, 5, 12, 13, and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Conclusion*

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(1) Warrier et al. (U.S. Patent 6,684,256) discloses routing method for mobile wireless nodes having overlapping Internet protocol home addresses.

(2) Lim (U.S. Patent 6,404,754) discloses radio packet data terminal and method of determining Internet interworking protocol address.

(3) Kalliokulju et al. (U.S. Patent 6,385,451) discloses handover between mobile communication network.

(4) Zhang et al. (U.S. Patent 6,381,646) discloses multiple network connections from a single PPP link with partial network address translation.

6. Any query concerning this communication or earlier communications from the examiner should be directed to the examiner, Phirin Sam whose telephone number is (703) 308 – 9294. The examiner can normally be reached on Monday – Friday from 8:30AM – 4:00PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas W. Olms can be reached at (703) 305 – 4703. The fax number for this group is (703) 872 – 9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305 – 4700.

Respectfully submitted,

By: 

Phirin Sam  
Patent Examiner  
February 17, 2004